

REMARKS

1. Applicant thanks the Examiner for pointing out the allowable subject matter of Claims 1 – 29 and 49 – 53.

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2. It should be appreciated that Applicant has elected to amend Claims 30 and 54 and cancel Claim 33 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such cancellations and amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

15 3. Claims 30-31 and 54-56 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,078,828 ("Yasuda"). To distinguish the Claimed invention from the reference more thoroughly, Applicant amends Claim 30 to incorporate the allowable subject matter of Claim 33, with Claim 33 cancelled from the application. There is no teaching in Yasuda of "minimizing surface temperature transients at said tissue measurement site by minimizing contact of said member with said interface module so that temperature remains substantially constant for each measurement." In fact, Yasuda teaches exactly the opposite: pressing the body part to be measured against the detecting probe (Col. 2, line 39 to line 45) and actively controlling temperature at the measurement site (Col. 4, line 22 to line 27). Claim 34 is amended to correct its dependency. Accordingly, Applicant deems Claim 30 and all Claims depending therefrom to be allowable over Yasuda.

25 4. Claim 54 has been amended in the same manner as Claim 30. Accordingly, Applicant deems Claim 54 and all Claims depending therefrom to be allowable over Yasuda.

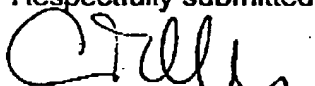
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CONCLUSION

In view of the foregoing, the application is deemed to be in allowable condition. Therefore, the Examiner is earnestly requested to withdraw all rejections and allow the application to pass to issuance as a U.S. Patent. Should the Examiner have any questions concerning the Application, he is urged to contact Applicant's attorney at the telephone number given below.

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Respectfully submitted,



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